

Substitute for form 1449A/PTO

**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

(use as many sheets as necessary)

Sheet

2

2

**Complete if Known**

Application Number	10/673,833
Filing Date	September 29, 2003
First Named Inventor	Darin GERLACH
Group Art Unit	3764
Examiner Name	
Attorney Docket Number	39262/287702

**FOREIGN PATENT DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sup>2</sup>
		Country Code <sup>3</sup> - Number <sup>4</sup> - Kind Code <sup>5</sup> (if known)				
		EP 0 760 632 B1	03/12/1997	Europe		
		0 486 762 B1	05/17/1995	Europe		
		WO 01/19267 A1	03/22/2001	PCT		
		EP 1169971	01/09/2002	Europe		
		WO 02/058574	08/01/2002	PCT		
		WO 01/91660	12/06/2001	PCT		
		WO 02/096309 A1	12/05/2002	PCT		

**OTHER PRIOR ART -- NON PATENT LITERATURE DOCUMENTS**

Examiner Initials *	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
		Frigg, et al. "LCP: The Locking Compression Plate System," <i>Bone Zone</i> (undated)	
		Brochure entitled "INTRODUCING PEAK™ POLYAXIAL ANTERIOR CERVICAL PLATE, by DEPUY MOTECH, one page, undated	
		Brochure entitled "INTRODUCING THE PROFILE™ ANTERIOR THORACOLUMBAR COMPRESSION PLATE, by DUPUY MOTECH, one page, undated	
		Marti, et al., "Biomechanical Evaluation of the Less Invasive Stabilization System for the Internal Fixation of Distal Femur Fractures," <i>Journal of</i> <i>Orthopaedic Trauma</i> , 15(7):482-487, 2001	

Examiner  
SignatureDate  
Considered

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

**TRANSMITTAL  
FORM**

(to be used for all correspondence after initial filing)

<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)	Application Number	10/673,833
	Filing Date	September 29, 2003
	First Named Inventor	Darian Gerlach, et al.
	Art Unit	3764
	Examiner Name	Unknown
Total Number of Pages in This Submission	Attorney Docket Number	39262/287702

**ENCLOSURES (check all that apply)**

<input type="checkbox"/> Fee Transmittal Form  <input type="checkbox"/> Fee Attached  <input type="checkbox"/> Amendment / Reply  <input type="checkbox"/> After Final  <input type="checkbox"/> Affidavits/declaration(s)  <input type="checkbox"/> Extension of Time Request  <input type="checkbox"/> Express Abandonment Request  <input checked="" type="checkbox"/> Information Disclosure Statement  <input type="checkbox"/> Certified Copy of Priority Document(s)  <input type="checkbox"/> Response to Missing Parts/ Incomplete Application  <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s)  <input type="checkbox"/> Licensing-related Papers  <input type="checkbox"/> Petition  <input type="checkbox"/> Petition to Convert to a Provisional Application  <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address  <input type="checkbox"/> Terminal Disclaimer  <input type="checkbox"/> Request for Refund  <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group  <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences  <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)  <input type="checkbox"/> Proprietary Information  <input type="checkbox"/> Status Letter  <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):  <b>PTO/SB/08A (2 sheets)</b> <b>11 Publications</b>
<b>Remarks</b>		

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm or Individual name	Geoffrey K. Gavin, Reg. No. 47,591 Kilpatrick Stockton LLP		
Signature			
Date	February 27, 2004		

**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.			
Typed or printed name	Colleen Kadian		
Signature		Date	February 27, 2004

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



In re application of

Darian Gerlach, et al.

Serial No.: 10/673,833

Filed: September 29, 2003

For: **BONE PLATES AND BONE PLATE ASSEMBLIES**

Art Unit: 3764

Examiner: unknown

Commissioner for Patents  
P. O. Box 1450  
Alexandria, Virginia 22313-1450

Attorney Docket No. 39262/287702

Date: February 27, 2004

## INFORMATION DISCLOSURE STATEMENT

Sir:

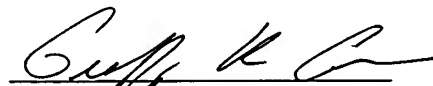
In accordance with Rules 56, 97 and 98 of the Rules of Practice in Patent Cases (37 C.F.R. §§ 1.56, 1.97, and 1.98), the publications listed on the enclosed Form PTO/SB/08 are submitted for consideration by the Examiner. The Office has waived the requirement under 37 C.F.R. 1.98(a)(2)(i) for submitting a copy of each cited U.S. patent and each U.S. patent application publication for all U.S. national patent applications filed after June 30, 2003. Therefore, Applicants have not provided copies of the cited U.S. patents at this time.

Submission of the references provided in this Information Disclosure is not intended to constitute an admission that any reference referred to herein is prior art for this invention unless specially designated as such. Also, in accordance with 37 C.F.R. § 1.97(g), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made, or that no other material information as defined in 37 C.F.R. § 1.56(a) exists.

U.S. Serial No. 10/673,833  
Filed: September 29, 2003  
INFORMATION DISCLOSURE STATEMENT

This Information Disclosure Statement is being filed before the issuance of a first office action on the merits of the application (37 C.F.R. 1.97(b)(3)); therefore, no fee is believed to be due. If a fee is due, the Commissioner is authorized to charge such fee and any additional fees that may be due or credit any overpayment to Deposit Account No. 11-0855.

Respectfully submitted,



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Sheet 1 of 2

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**U.S. PATENT DOCUMENTS**

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		Number - Kind Code <sup>2</sup> (if known)			
		Re. 31,628	07/10/1984	Allgower, et al.	
		4,484,570	11/27/1984	Sutter, et al.	
		5,085,660	02/04/1992	Lin	
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		5,968,046	10/19/1999	Castleman	
		6,176,861 B1	01/23/2001	Bernstein, et al.	
		6,193,721	02/27/2001	Michelson	
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		6,235,033 B1	05/22/2001	Brace, et al.	
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		6,428,542	08/06/2002	Michelson	
		6,440,135 B1	08/27/2002	Orbay, et al.	
		6,454,769	09/24/2002	Wagner et al.	
		6,506,191	01/14/2003	Joos	
		2002/0143338 A1	10/03/2002	Orbay, et al.	
		2001/0047174	11/29/2001	Donno et al.	
		2001/0037112	11/01/2001	Brace et al.	

Examiner Signature

Date Considered

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